



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/167,539	10/07/1998	INH-SEOK SUH	06205.0027	1446

7590 11/06/2002

McGuire Woods LLP
1750 Tysons Boulevard Suite 1800
McLean, VA 22102

EXAMINER

YE, LIN

ART UNIT

PAPER NUMBER

2612

DATE MAILED: 11/06/2002

12

Please find below and/or attached an Office communication concerning this application or proceeding.

g

Office Action Summary

Application No.

09/167,539

Applicant(s)

SUH, INH-SEOK

Examiner

Lin Ye

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 August 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 4-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 4-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 10.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Art Unit: 2612

DETAILED ACTION

Response to Amendment

1. Upon reconsideration, the Examiner agrees that the Sakaegi reference does not disclose a touch screen for moving the mark on display instead of operating icon (in Figures 8A to 8C). Since a new ground of rejection is being applied against claims 1 and 4-19 filed on 8/21/02, this action is not made final.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims ⁴⁻¹⁹1 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ueno et al. U.S. Patent 5,625,415 in view Suda U.S. Patent 6,388,707.

Referring to claims 1 and 5, The Ueno reference discloses in Figures 14-15 and 18, a digital still camera comprises a display screen (1302) for displaying an image corresponding to a subject and a mark (1500) representing the focus position; the mark (1500) displayed in the preview picture area (1302) is moved to a target position by a focal point select apparatus (input apparatus 118 in Figure 10); focus control means for controlling to focus on a position of the subject corresponding to said mark (See Col. 27, lines 5-15); image store means (frame memory 136) for storing image data corresponding to the image (See Col. 17, lines 32-38).

Art Unit: 2612

However, Ueno does not explicitly state the focal point select apparatus includes a touch panel for moving the mark.

The Suda reference discloses in Figures 4-5, an image pickup apparatus having a first area-setting circuit for setting, at an arbitrary position in a frame which the focal point detection region can be moved to the position of the point of interest in the frame by a manual appointing means (See, Col. 54, lines 14-20). It clearly states the position selection means includes a joy stick, a track ball, a mouse and a touch panel in it's category (See Col. 63, lines 13-15). The Suda reference is evidence that one of ordinary skill in the art at the time to see more advantages for using touch panel to move the mark which corresponding the focus on a position of the subject, because the operation can be performed easily and the cost can be reduced. For that reason, it would have been obvious to include touch screen function for moving the mark representing the focus position in the input apparatus 118 disclosed by Ueno.

Referring to claim 4, the Ueno reference discloses wherein said focus control means further calculates the focus position by processing image data corresponding to the mark moved in order to focus the position of subject corresponding to the mark (See Figure 18, steps 1904-1906, Col. 27, lines 1-15).

Referring to claim 6, the digital camera comprises a release switch (camera control unit 130) for beginning to taking a photograph (See Col. 16, line 37-40), and focus control unit (control circuit 138) stores the image data in first image storage unit (frame memory 136) when the state of the release switch (138) is at a first phase (pre-shooting phase) as shown in Figure 10 (See Col. 16, lines 31-35 and Col. 17, line 61-62).

Art Unit: 2612

Referring to claim 7, the Ueno reference discloses wherein said display means comprises a display screen that shows the image and the mark (See Figures 14-15).

Referring to claim 8, the Suda reference discloses wherein touch screen (LCD 24) is established on a camera body as shown in Figure 1A.

Referring to claim 9, the Ueno reference discloses a second image storage unit (image recording apparatus 120) for storing compress data as shown in Figure 10 (See Col. 14, lines 66 and Col 1, lines 25-30).

Referring to claim 10, the focus control unit (138) compresses image data stored in first image storage unit (136) and restores compressed image data stored in second image storage unit (120) as shown in Figure 10.

Referring to claim 11, the Ueno reference discloses all subject matter as discussed with respect to same comments as with 4.

Referring to claim 12, the Ueno reference discloses focus position is calculated by processing image data stored in said first image storage unit (136) corresponding to said mark as shown in Figure 14.

Referring to claim 13, the Ueno reference discloses all subject matter as discussed with respect to same comments as with 9.

Referring to claim 14, the Ueno reference discloses all subject matter as discussed with respect to same comments as with 10.

Referring to claim 15, the Ueno reference discloses all subject matter as discussed with respect to same comments as with 1.

Art Unit: 2612

Referring to claim 16, the Ueno reference discloses storing image data corresponding to a photographic subject (pre-shooting phase), prior to determining whether the operator relocates the focus position.

Referring to claim 17, the Ueno reference discloses calculating said focus position by processing image data corresponding to said relocated focus position as shown in Figure 15.

Referring to claim 18, the Ueno reference discloses all subject matter as discussed with respect to same comments as with 6.

Referring to claim 19, the Ueno reference discloses generating an address of a memory (136) storing image data (pre-shooting image data) corresponding to a coordinates of focus position (1500); reading image data stored in said address, and calculating the focus position by processing said read image data as shown in Figure 18, steps 1906-1910 (See Col. 27,, lines 1-67).

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Lin Ye** whose telephone number is **(703) 305-3250**. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy R Garber can be reached on (703) 305-4929.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, DC. 20231

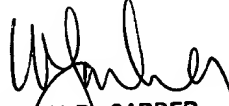
Art Unit: 2612

Or faxed to:

(703) 872-9314

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal drive,
Arlington, VA., Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding
should be directed to the Technology Center 2600 Customer Service Office whose telephone
number is (703) 306-0377.


WENDY R. GARBER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

Lin Ye
October 30, 2002